

REMARKS

Claims 1-14, 16-28, 31, 33-42 and 45-46 were pending in this application. Claims 15, 29, 30, 32, 43, 44 and 47-49 were previously cancelled. Claim 21 has been hereinabove cancelled. Claims 6, 8-10, 14, 23, 24 and 38 have been amended. Claims 24 and 38 have been amended to correct their dependency such that Claim 24 now depends from Claim 22 and Claim 38 now depends from Claim 35. The remaining claim amendments are discussed below. Additionally, for the reasons described below, no new matter has been added by these amendments. Thus, claims 1-15, 16-20, 22-28, 31, 33-42 and 45-46 remain pending.

At the outset, applicants acknowledge the withdrawal of the outstanding § 112, paragraph 1 and 2 rejections. Additionally, Applicants wish to thank the examiner for finding claims 1-5, 7, 11, 12, 16-20, 22, 41, 42 and 45 allowable and for finding that claims 24-28, 31, 33-40 and 46 would be allowable if re-written in independent form. Applicants note however, that claim 35 is independent and claims 36-40 and 46 depend from this claim. Presumably these claims were meant to be included in the list of allowable claims.

35 U.S.C. § 112, ¶ 2

Claims 6, 8-10, 13, 14, 21 and 23 were rejected under 35 U.S.C. 112, ¶ 2 as allegedly indefinite.

Applicants note the Examiner's suggestions regarding the wording of the claims. Applicants believe the claims previously submitted are in full compliance with § 112. Each of the Examiner's suggestions regarding the claims is addressed separately below. Applicants state that to the extent they have accepted the Examiner's proposed amendments, it is solely to expedite prosecution and is not for any reason related to patentability, as the claims as written are definite.

Claim 6: The Examiner asserts that claim 6 is indefinite due to the term “small”.

Applicants submit that claim 6 is definite and clear to the skilled artisan. However, solely to expedite prosecution, applicants have amended claim 6 to specify that the organic molecule is of 6 to 500 carbon atoms. Support for this amendment can be found on page 11 of the specification which states “Small organic molecules of preferably about: 6 to 500, 6 to 250, 6 to 100 carbons and more preferably about 6 to 50 or 6 to 25 carbons are also useful targeting molecules.”

Claims 8 and 13: The Examiner asserts that claims 8 and 13 recite unacceptable Markush terminology due to recitation of “comprising”. Claim 8 has been amended to recite conventional Markush terminology. However, claim 13, which requires “a molecule selected from the group consisting of...” is in proper Markush form.

Claim 9: The Examiner asserts that claim 9 is confusing because it should refer to ligands, not peptides. Applicants have amended the claim to clarify the claimed subject matter.

Claim 10: The Examiner suggests that the claims should be amended to refer to the ligand. Applicants have amended the claim to clarify the claimed subject matter.

Claim 14: The dependency has been corrected to depend from claim 6.

Claim 21: The Examiner asserts that this claim is unclear because no steps are recited. Applicants disagree, but solely to expedite prosecution, Applicants have cancelled this claim.

Claim 23: Applicants respectfully disagree with the Examiner’s proposed amendment to claim 23 (*i.e.* to amend it to read: “wherein the conjugate is a peptide and diethylglycylserinylcysteinylglycine”). However, to speed prosecution applicants instead propose, and have so amended claim 23 to read as follows:

The composition of claim 22, wherein the conjugate comprises diemthylglycylserinylcysteinylglycine and a targeting molecule.

Therefore, Applicants respectfully assert that claim 23 is not indefinite.

In light of the present amendments and remarks, Applicants respectfully submit that the presently pending claims are in condition for allowance, early notice of which is earnestly sought. If any outstanding issues remain, the Examiner is invited to telephone Applicants' representatives to discuss the same.

No fees are believed to be required for the filing of this *Amendment and Response to Office Action*. However, please charge any additional required fees, and credit any overpayments, to Deposit Account No. 50-0540.

Respectfully submitted,

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